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INTERNATIONAL ACTION TO COMBAT DRUG ABUSE AND ILLICIT TRAFFICKING

United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

Report of the Secretary-General

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I. INTRODUCTION

1. The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1/ was adopted by consensus by 106 States at a plenipotentiary conference held at Vienna from 25 November to 20 December 1988. As at 20 December 1989, the closing day for signature, 89 States as well as one regional economic integration organization, had signed the Convention (annex I). On 13 August 1990, the twentieth instrument of ratification was deposited by the Government of Spain (annex II). In accordance with article 29, the Convention will therefore enter into force on the ninetieth day after the deposit with the Secretary-General of the twentieth instrument of ratification, accession or approval, i.e. on 11 November 1990.

2. At its forty-fourth session, the General Assembly had before it a report of the Secretary-General (A/44/572) relating to the proceedings of the Conference held for the adoption of the 1988 Convention and including information on initial steps taken by the Economic and Social Council, the Commission on Narcotic Drugs and the Secretary-General to promote the ratification and provisional implementation of the C nvention prior to its entry into force.

3. Having considered the report of the Secretary-General, the General Assembly adopted resolution 44/140 entitled "Implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances". At its forty-fourth session, the General Assembly also decided to hold a special session from 20 to 23 February 1990 "to consider the question of international co-operation against illicit production, supply, demand, trafficking and distribution of narcotic drugs, with a view to expanding the scope and increasing the effectiveness of such co-operation". At the special session, the General Assembly adopted a Political Declaration and a Global Programme of Action (S-17/2), in which it made references to the 1988 Convention and formulated recommendations on its ratification and implementation.

4. The present report is an account of action to implement the 1988 Convention, pursuant to both resolution 44/140 and the relevant parts of the Global Programme of Action.

II. PROGRESS MADE IN THE ADHERENCE TO THE 1988 CONVENTION AND TO PREVIOUS INTERNATIONAL DRUG-CONTROL TREATIES

5. In paragraph 3 of resolution 44/140, the General Assembly urged States "to proceed rapidly to sign and to ratify the 1988 Convention, so that it enters into force as early as possible". In paragraph 51 of the Global Programme of Action, the same request for ratification or accession was formulated, in order for the Convention to enter into force "preferably by the end of 1990".

6. In paragraph 10 of resolution 44/140, as well as in paragraph 55 of the Global Programme of Action, the General Assembly further urged States that had not yet

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done so, to ratify or to accede to the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol, and to the Convention on Psychotropic Substances of 1971.

7. Following those requests and as a response to the mandate entrusted to the Commission on Narcotic Drugs in paragraph 7 of resolution 44/140 - i.e. "to identify suitable measures to be taken prior to the entry into force of the Convention" - the Division of Narcotic Drugs, Secretariat of the Commission, in April 1990, launched a special campaign for treaty adherence. The objective was to increase the number of States ratifying or acceding to the 1988 Convention to enable its entry into force as soon as possible, as well as to increase the number of States parties to the earlier drug-control treaties already in force. Notes were sent to all States not parties to one or more drug-control treaties, recalling their individual situation as regards the treaties and offering to provide them with model forms of accession and to assist them in overcoming procedural and substantive difficulties. By 13 August 1990, 12 States had responded to the note. To assist them, 23 models of instruments of accession were prepared by the Division and information on the nature and scope of obligations resulting from the Conventions was provided to them.

8. Between 1 December 1989 and 13 August 1990, 5 States became parties to the 1961 Convention (124 States parties), 6 States became parties to the 1972 Protocol amending the 1961 Convention (100 States parties), 5 States became parties to the 1971 Convention (99 States parties) and 16 States ratified or acceded to the 1988 Convention (20 States parties).

9. In order for the Commission to monitor the progress made towards the entry into force of the 1988 Convention, paragraph 6 of resolution 44/140 requested the Secretary-General "to modify the section of the annual reports questionnaire regarding the implementation of international treaties so that the Commission on Narcotic Drugs (...) may review the steps that States have taken to ratify, accept, approve or formally confirm the Convention".

10. Following this request, the Secretary-General modified part A of the annual reports questionnaire. At its eleventh special session in January-February 1990, the Commission on Narcotic Drugs examined a report on the 40 replies communicated by Governments on administrative, legislative and operational steps taken by States to ratify or accede to the Convention. The Secretary-General will submit to the Commission at its thirty-fourth session in February 1991 an updated report based on review of the information communicated by States on this matter.

11. It should also be noted that paragraph 11 of resolution 44/140 called for action by the Department of Public Information to publicize the 1988 Convention. Following this request, the Department prepared two backgrounders containing information on the provisions of the Convention and their observance by Member States. These were included in the press kit for the General Assembly's seventeenth special session. A press release announcing the date of the Convention's entry into force was also issued and distributed by the Department.

III. PROGRESS MADE IN THE APPLICATION OF THE 1988 CONVENTION, PRIOR TO ITS ENTRY INTO FORCE

12. Paragraph 4 of resolution 44/140 urged States "to establish the necessary legislative and administrative measures so that their internal juridical regulations may be compatible with the spirit and scope of the Convention". Paragraph 5 of resolution 44/140, as well as paragraph 53 of the Global Programme of Action, further invited States "to apply provisionally the measures set forth in the Convention, pending its entry into force for each of them".

13. In order to support States in applying the Convention, the Secretary-General was requested in paragraph 9 of resolution 44/140 "to provide assistance to States, at their request, to enable them to establish the legislative and administrative measures necessary for the application of the Convention". Paragraph 7 of the same resolution invited the Commission on Narcotic Drugs, "as the principal United Nations policy-making body on the subject, to identify suitable measures to be taken prior to the entry into force of the Convention".

14. Following the mandate contained in 44/140 of the General Assembly, the Division of Narcotic Drugs has been developing projects to assist States to become Parties to the 1988 Convention as well as to the other international drug-control conventions, and to implement them.

15. Assistance has been given to eight States, upon request, to draft new legislation or amend existing laws. Assistance includes, but is not limited to, analysis of existing laws and regulations to enhance the State's capacity to respond to local problems and to ensure compatibility with international treaty obligations; comparative legislative studies; and research of relevant examples of legislation which may exist in a country or countries with similar legal systems.

16. The Division of Narcotic Drugs also advises States on administrative and operational measures required to apply the Convention, as well as on the formulation of bilateral or regional agreements on matters arising from the Convention, which imply co-operation between States. A repository of such agreements and arrangements is being established by the Division. In addition, laws and regulations on drug-control matters regularly received by the Division and then published in the E/NL. series are being indexed according to the articles and the subject-matters of the Convention.

17. The Division of Narcotic Drugs is also providing assistance and expertise on specific articles of the Convention. It is designing a project on the practical aspects of implementing article 7 on mutual legal assistance. A questionnaire is being drafted to review the required contents of requests for mutual legal assistance in the context of different systems of law. A practical guide for the application of article 7 is also being prepared.

18. In addition, the Division is planning to convene an Expert Group Meeting to hold consultations on steps to be taken at the international level to facilitate the implementation of the Convention. It will focus on articles that involve new areas of international co-operation such as article 5 on confiscation and article 7 on mutual legal assistance.

IV. PROSPECTS OF FUTURE ACTION

19. One of the main objectives defined with respect to the Convention by both resolution 44/140 and the relevant parts of the Global Programme of Action - its entry into force as early as possible, preferably by the end of 1990 - is now achieved: the Convention will enter into force on 11 November 1990. Accession to the Convention should none the less be further promoted, with a view to progress towards universal adherence and implementation. Consequently, activities to assist States in applying the Convention, either provisionally pending its entry into force for each of them or as a result of their becoming States parties, need to be expanded.

20. The General Assembly may, therefore, wish to urge States that have not yet done so to ratify or accede to the 1988 Convention, as well as the previous United Nations drug-control treaties. States might also be invited to avail themselves of the services offered by the United Nations Secretariat, in particular legal and technical assistance, for the adoption of the legislative measures and administrative mechanisms necessary to implement the 1988 Convention. The General Assembly may also consider urging States to co-operate with one another for the full implementation of the Convention, through the conclusion of bilateral or multilateral agreements that would give practical effect to the provisions of the Convention.

21. The General Assembly may further wish to invite the Commission on Narcotic Drugs to identify suitable measures to be taken following the entry into force of the Convention. In that regard, consideration should be given at the Commission's thirty-fourth session to the convening of periodic meetings of the States parties to the 1988 Convention on steps to be taken to ensure its comprehensive implementation.

Notes

1/ For the text of the Convention, see document E/CONF.82/15; for the text of the Final Act of the plenipotentiary conference, see document E/CONF.82/14.

ANNEX I

Status of signature of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as at 20 December 1989

Afghanistan
Algeria
Argentina
Australia
Austria
Bahamas
Bahrain
Bangladesh
Belgium
Bolivia
Brazil
Brunei Darussalam
Bulgaria
Byelorussian Soviet Socialist Republic
Cameroon
Canada
Chile
China
Colombia
Costa Rica
Côte d'Ivoire
Cuba
Cyprus
Czechoslovakia
Denmark
Ecuador
Egypt
Finland
France
Gabon
German Democratic Republic
Germany, Federal Republic of
Ghana
Greece
Guatemala
Holy See
Honduras
Hungary
Indonesia
Iran (Islamic Republic of)
Ireland
Israel
Italy
Jamaica
Japan
Jordan
Kuwait
Luxembourg
Malaysia
Maldives
Mauritania
Mauritius
Mexico
Monaco
Morocco
Netherlands
New Zealand
Nicaragua
Nigeria
Norway
Pakistan
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Senegal
Sierra Leone
Spain
Sudan
Suriname
Sweden
Switzerland
Togo
Trinidad and Tobago
Tunisia
Turkey
Ukrainian Soviet Socialist Republic
Union of Soviet Socialist Republics
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
United States of America
Uruguay
Venezuela
Yemen
Yugoslavia
Zaire
Zambia

On 8 June 1989 the European Economic Community also became a signatory.

ANNEX II

Status of ratification/accession to the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances as at 13 August 1990

Bahamas	30 January 1989
China	25 October 1989
Nigeria	01 November 1989
Senegal	27 November 1989
Bahrain	07 February 1990
United States of America	20 February 1990
German Democratic Republic	21 February 1990
Chile	13 March 1990
Ecuador	23 March 1990
India (Accession)	27 March 1990
Ghana	10 April 1990
Mexico	11 April 1990
United Arab Emirates (Accession)	12 April 1990
Jordan	19 April 1990
Nicaragua	04 May 1990
Qatar (Accession)	04 May 1990
Cyprus	25 May 1990
Canada	05 July 1990
Togo	01 August 1990
Spain	13 August 1990